

ABHI Code of Business Practice

Summary of Complaints 2017

During 2017 there were only two complaints that required resolution. Neither required the Complaints Panel to be convened, being resolved through mediation by the secretariat and the Complaints Panel Chair.

Case 1.

The first case had begun in 2016 but was resolved in 2017. This involved comparative claims in advertisements that the complainant alleged had resulted in adverse effects on their business. The comparator in question related to a specific parameter important in the treatment area in question. The matter was further complicated by the other company submitting a counter-claim, along similar lines, against the first complainant.

Following interactions enabled by the Panel Chair, the two companies agreed to changes within their advertising materials that they were satisfied would deal with the subject of their original complaints.

Case 2.

Resolution of the second case through mediation involved facilitating a meeting between both companies and their legal representatives. The principal subject of the complaint was a reference in an advertisement to the amount of a particular substance in a product. The complainant alleged that referring to the substance in this way would mislead healthcare professionals into inferring that the greater amount of this substance in a particular company's product would result in a commensurate increase in performance. The other company claimed that HCPs would not make this inference and was unwilling to amend the advertising material. Subsidiary elements of the complaint related to whether in vitro results reflected in vivo performance and inclusion of a hanging comparison in the advertising material.

The case was finally resolved with concessions on both sides.